

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

XIOMARA VAZQUEZ, Special	)	
Administrator of the Estate of SEBASTIAN	)	
SOTO, deceased,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.
	)	
	)	Judge
UNITED STATE OF AMERICA,	)	
PATRICIA D. CHICO, M.D., ESPERANZA	)	
HEALTH CENTERS, a Corporation,	)	Formerly Case No. 19 L 002493
JAMES B. MELIA, M.D., LAWNSDALE	)	Circuit Court of Cook County, Illinois
CHRISTIAN HEALTH CENTER, a	)	
Corporation, LESLIE M. BALLARD, M.D.,	)	
ST. ANTHONY HOSPITAL, a Corporation,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL OF A CIVIL ACTION AND  
SUBSTITUTION OF THE UNITED STATES AS DEFENDANT**

To: Dorothy Brown  
Clerk of the Circuit Court  
Richard J. Daley Center, Room 1001  
50 West Washington Street  
Chicago, Illinois 60602

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120 N. LaSalle Street, Suite 1250  
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The United States, by its attorney, John R. Lausch, Jr., United States Attorney for the Northern District of Illinois, submits this notice of removal of the above-captioned civil action from the Circuit Court of Cook County, Illinois, to the United States District Court, Northern District of Illinois, pursuant to 42 U.S.C. § 233, and in support thereof states the following:

1. On April 5 2019, plaintiff Xiomara Vazquez filed a second amended complaint in the above civil action against the United States of America, Patricia D. Chico, M.D., Esperanza

Health Centers, James B. Melia, M.D., Lawndale Christian Health Center, and others, alleging medical malpractice. A copy of the state court second amended complaint is attached as Exhibit A. For the purposes of this lawsuit, Esperanza Health Center and Lawndale Christian Health Center are private entities that receive grant money from the Public Health Service pursuant to 42 U.S.C. § 233. Exhibit B. In addition, Patricia D. Chico, M.D., and James B. Melia, M.D., were acting within the scope of their employment at Esperanza Health Center and Lawndale Christian Health Center with respect to the incidents referred to in the complaint. *Id.*

2. This notice of removal is filed in accordance with 42 U.S.C. § 233 upon certification by the designee of the Attorney General of the United States that defendants Esperanza Health Center and Lawndale Christian Health Center were private entities receiving grant money from the Public Health Service and that defendants Patricia D. Chico, M.D., and James B. Melia, M.D., were acting within the scope of their employment at Esperanza Health Center and Lawndale Christian Health Center with respect to the incidents referred to in the complaint. Exhibit B.

3. This notice of removal may be filed without bond at any time before trial. 42 U.S.C. § 233(c). Trial has not yet been had in this action.

4. Pursuant to the certification by the Attorney General's designee and the filing of this notice of removal, under 42 U.S.C. § 233(c), this civil action is deemed an action against the United States, and the United States is substituted as the sole federal party defendant in place of defendants Patricia D. Chico, M.D., James B. Melia, M.D., Esperanza Health Center, and Lawndale Christian Health Center.

WHEREFORE, this action now pending in the Circuit Court of Cook County, Illinois, is properly removed to this court pursuant to 42 U.S.C. § 233, and the United States is substituted as the defendant in lieu of Patricia D. Chico, M.D., James B. Melia, M.D., Esperanza Health Center, and Lawndale Christian Health Center.

Respectfully submitted,

JOHN R. LAUSCH, Jr.  
United States Attorney

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**Certificate of Service**

The undersigned Assistant United States Attorney hereby certifies that in accordance with Fed. R. Civ. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF), the following document:

**NOTICE OF REMOVAL OF A CIVIL ACTION AND SUBSTITUTION OF THE UNITED STATES AS DEFENDANT**

was served pursuant to the district court's ECF system as to ECF filers, if any, and was sent by first-class mail on July 17, 2019, to the following:

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